

**Baker & Hostetler LLP**

45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
Keith R. Murphy  
Tatiana Markel

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

NORTON A. EISENBERG,

Defendant.

Adv. Pro. No. 10-04576 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY  
DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the substantively consolidated chapter 7 estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendant Norton A. Eisenberg (“Defendant,” and together with the Trustee, the “Parties”), hereby stipulate and agree to the following:

1. On December 1, 2010, the Trustee filed and served the Complaint against Defendants.

2. On August 17, 2015, Defendants filed and served an answer to the Complaint on the Trustee.

3. On August 21, 2017, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].

4. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and Federal Rule of Bankruptcy Procedure 7041, the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendant in the above-referenced adversary proceeding and dismissal of the adversary proceeding with prejudice.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be

deemed an original.

7. The Bankruptcy Court shall retain jurisdiction over this Stipulation.

Date: January 17, 2018  
New York, New York

By: /s/Matthew Kupillas  
Matthew Kupillas  
Email: mkupillas@milberg.com

**MILBERG LLP**  
One Penn Plaza  
New York, NY 10119  
Telephone: (212) 594-5300

*Attorneys for Defendant*

By: /s/Tatiana Markel  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Keith R. Murphy  
Email: [kmurphy@bakerlaw.com](mailto:kmurphy@bakerlaw.com)  
Tatiana Markel  
Email: [tmarkel@bakerlaw.com](mailto:tmarkel@bakerlaw.com)

**BAKER & HOSTETLER LLP**  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and the Estate of Bernard L. Madoff*

SO ORDERED

Dated: **January 17<sup>th</sup>, 2018**  
New York, New York

**/s/ STUART M. BERNSTEIN**  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE